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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,045	08/01/2003	David Randolph Smith	101.0021 US CON	4716

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EXAMINER

BEACH, THOMAS A

ART UNIT PAPER NUMBER

3671

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,045

Applicant(s)

SMITH, DAVID RANDOLPH

Examiner

Thomas A Beach

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 09/03/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-20 and 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,17,19,20,22,23 and 35 is/are rejected.
- 7) ☒ Claim(s) 6-16,18,24-34 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be updated. If a parent application has become a patent, the expression "now Patent No. ____" should follow the filing date of the parent application.

Claim Rejections - 35 USC § 102

2. Claims 1-2, 4-5, 17, 19-20, 22-23, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Messenger 4,191,250. Messenger shows a subsea well construction, having a casing string disposed in a subsea well; a production string disposed in the casing string, an alternative path 1 (composed of conduit 7 with sensor 9 deployed therein) conduit disposed exterior to the production string, the alternative path conduit passing through a subsea wellhead, and at least one sensor 9 deployed in the alternative path conduit exterior of the casing string (figures 2-3), the at least one sensor adapted to measure a parameter of interest (col. 2, lines 5-30).

As concerns claim 2, Messenger shows the alternative path conduit is proximate to the casing string (figure 1).

As concerns claim 4, Messenger shows the alternative path conduit is cemented in place.

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As concerns claim 5, Messenger shows the parameter of interest is one of temperature, distributed temperature, *pressure* (col. 6, lines 5-30), distributed pressure, acoustic energy, electric current, magnetic field, electric field, flow, chemical properties, or a combination thereof.

As concerns claim 17, Messenger shows at least one sensor is an electrical sensor 9 (connected with electrical elements 5 & 19).

As concerns the method claims 19-25 and 35, they are rejected in view of being an inherent method of obtaining information using the subsea well of Messenger, as noted above in the rejection of claims 1-2, 4-5, and 17.

Allowable Subject Matter

3. Claims 6-16, 18, 24-34, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to Messenger have been considered, but they are not persuasive. Applicant's arguments regarding Messenger are noted however, as the rejection states above, the alternative path conduit 1 (and not reference numeral 17 as applicant has stated), clearly shown in figure 1, includes a deployed sensor and a tube 7 that includes 3 which houses the deployed sensor, pressure transducer 5.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

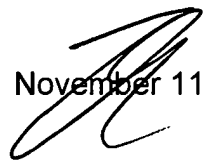
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is 703.305.4848. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703.308.3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9306 or 703.872.9306 for regular communications and 703.872.9306 for After Final communications.

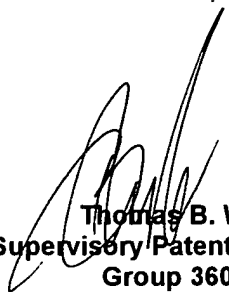
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach



November 11, 2004



Thomas B. Will
Supervisory Patent Examiner
Group 3600